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REMARKS

Claims 13-16, 20 and 22-26 are rejected, under 35 U.S.C. § 102(e), as being anticipated by Callan et al. '038 (U.S. Publication No. 2003/0132038). The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Callan et al. '038 relates to lift truck having front and rear sections 11, 12 that pivot about a vertical pivot 18 in relation to each other. Each of the front and rear sections 11, 12 of the lift truck has one or two wheels 13, 14, 21 22 or 23, 24 25 or 26, 27, 28. It should be recognized that "the lift truck has all wheel drive. In other words, it is possible to operate the lift truck with all wheels being driven" (paragraph [0022], Ins 1-4). Even though, as noted by the Examiner, one or more of the wheels may be undriven, all of the wheels are drivable. That is, each of the wheels can be driven by the drive means. As each of the wheels are drivable, the Callan et al. '038 lift truck is necessarily equipped with at least one of "a differential unit or... a declutching mechanism" (paragraph [0022], Ins 21-22).

This is directly contrary to the claims of the application which have been amended to more clearly differentiate the claims from Callan et al. '038. The claims limit the fork lift truck such that only the front wheel of the fork lift truck is connectable to a drive means. With this limitation only the front wheel is drivable and neither of the rear wheels of the claimed fork lift truck have the capability of being driven.

The Applicant believes that Callan et al. '038 teaches away from the claims of the application in that all the wheels of the Callan et al. '038 lift truck are connectable with a drive means. Although the rear wheels may be disconnected from the drive means by way of declutch mechanisms, all the wheels both front and rear are drivable. As the focus of the Callan et al. '038 reference relates to proportioning the amount of drive at each of the wheels depending on the articulation between the front and rear sections of the lift truck, it is required that each of the wheels of both the front and back sections include a drive means.

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Furthermore, Callan et al. '038 teaches in paragraph [0019] that the front section 12 of the lift truck 10 is pivotally connected at the forwardmost part of the rear section 11 by a vertical pivot 18. As seen in Fig. 1, the forwardmost part of the rear section 11 is supported directly over the front section 12.

In distinction, the claims of the application include a limitation that an arm extends forwardly from the front of the fork lift truck body. A bearing assembly is fixed to a remote end of the arm and supports the front wheel.

Claim 21 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Callan et al. '038 in view of Hagin et al. '020 (U.S. Patent No. 4,778,020). The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

The Applicant acknowledges that the additional reference of Hagin et al. '020 may arguably relate to the feature indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference with this additional art still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims 13 and 24 of this application now recite the features of "a sole drive means (44, 46) drives the fork lift truck (10) and is only drivingly connected to the front wheel (40)", while independent claim 26 recites the feature of "an arm (50) extends from the truck body (12) and has a remote end coupled to a vertically extending pivot assembly (52)... the vertically extending pivot assembly (52) couples the remote end of the arm (50) and the lift mechanism (14) and holds the front ground engaging wheel (40)". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the

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art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Callan et al. '038 and/or Hagin et al. '020 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejections should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objections or requirements, as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

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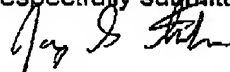
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Respectfully submitted,



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